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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

ENOCH ADAMS, JR., LEROY ADAMS,
ANDREW KOENIG, JERRY NORTON
DAVID SWAN and JOSEPH SWAN,

Plaintiffs,

v.

TECK COMINCO ALASKA INCORPORATED

Defendant.

NANA REGIONAL CORPORATION and
NORTHWEST ARCTIC BOROUGH,

Intervenors-Defendants.

Case No. A04-49 (JWS)

[PROPOSED] ORDER GRANTING
PLAINTIFFS' OBJECTION
TO NORTHWEST ARCTIC
BOROUGH'S UNDISCLOSED
EXHIBITS AND MOTION *IN*
LIMINE TO EXCLUDE
EXHIBITS NOT
TIMELY DISCLOSED
(Fed. R. Civ. Proc. 26 and 37)

[PROPOSED] ORDER GRANTING PLAINTIFFS' OBJECTIONS
TO EXHIBITS AND MOTION *IN LIMINE* TO
EXCLUDE EXHIBITS

On January 22, 2008, Northwest Arctic Borough filed an Exhibit List [Docket 191] and lodged the exhibits with the Court. The Adams Plaintiffs object because the exhibits were not previously disclosed to them in this litigation, in violation of Rule 26 of the Federal Rules of Civil Procedure. Pursuant to Federal Rules of Civil Procedure Rule 37, and good cause appearing therefore, IT IS ORDERED that the following exhibits, which were not timely disclosed, are excluded from trial and are not to be used for any purpose in this case.

Exhibit	Description
2000	The 2007 Northwest Arctic Borough Legislative Priorities
2001	The Third Amended, Restated Contract for Services (an agreement between NAB and Teck Cominco Alaska, Incorporated dated October 17, 2003)
2002	Chapter 6.08 of the NAB Code
2003	Title 9 of the NAB Code

IT IS SO ORDERED.

DATE:

Judge of the District Court

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January 2008, a true and correct copy of the foregoing [Proposed] Order Granting Objections to Exhibit List and Motion to Exclude Undisclosed Exhibits was served, via electronic mail, on the below identified parties of record:

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/s/ Luke Cole

Luke Cole

[PROPOSED] ORDER GRANTING PLAINTIFFS' OBJECTIONS
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